

## REMARKS/ARGUMENTS

Claims 1-21 and 24-26 remain in the application for further prosecution. Claims 22 and 23 have been cancelled. The Applicants confirm that the inventorship for the remaining claims has not changed.

The Applicants reserve the right to file the cancelled claims in a divisional application.

### Teleconference With Examiner

The Applicants appreciate the telephone conference afforded to the Applicants' representative, Michael Blankstein, regarding this restriction requirement. During this teleconference, the Applicants' representative pointed out that the claims of Group III are generic to the claims of Group I and Group II. Further, the Applicants' representative agreed that the claims of Group IV were distinct and those claims, claims 22-23, are hereby cancelled without prejudice with the right to file those claims in a divisional application.

### Election With Traverse

The Applicants provisionally elect the invention of Group III, which includes claims 17-21. The Applicants make this election, however, with traverse. It is the Applicants' belief that the claims of Group III are generic to the claims of Group I and Group II. Specifically, independent claim 17 of Group III calls for displaying a different visual motif "based on the use of said gaming machine." Claim 20 of Group III, which depends on claim 17, states that this displaying occurs "after a predetermined number of plays by said players."

Likewise, independent claim 1 of Group I calls for monitoring the number of wager inputs and altering the visual motif "in response to said number being a certain value." As such, claim 1 of Group I is quite similar to dependent claim 20 of Group III, and is surely directed to displaying a different visual motif "based on the use of said gaming machine" as called for in

claim 17 of Group III. For this reason, the Applicants respectfully request that Group III be included in the examination with Group I.

Further, independent claim 9 of Group II calls for altering the visual motif based on the frequency of inputs from the player. Again, Group II is simply claiming one of the uses of a gaming machine that leads to displaying a different visual motif “based on the use of said gaming machine” as called for in claim 17 of Group III. For this reason, the Applicants respectfully request that Group II also be included in the examination with Group I.

Group I is a generic claim set relative to both Groups II and III. The claims in these three groups seem to be so closely related that the burden on the Examiner of combining these three groups is minimal, compared to the burden on the Applicants for paying for and maintaining three patents on subject matter that is so closely related. As such, the Applicants respectfully request reconsideration and withdrawal of the requirement with respect to Groups II and II due to their relatedness to Group I.

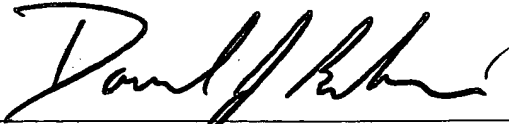
### **Conclusion**

It is the Applicants’ belief that all of the claims are now in condition for allowance and action towards that effect is respectfully requested.

Application No. 09/922,453  
Response to Restriction Requirement dated March 28, 2003  
Reply to Office Action dated March 6, 2003

If there are any matters which may be resolved or clarified through a telephone interview,  
the Examiner is requested to contact the undersigned attorney at the number indicated.

Respectfully submitted,



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